

Remarks

Further and favorable reconsideration is respectfully requested in view of the foregoing amendments and following remarks.

Statement of Interview

Applicants express their appreciation for the courtesy of a personal interview granted to their attorney by Examiner Becker on July 15, 2004, the results of which are summarized in the Interview Summary form.

During the interview, Applicants' attorney proposed amending claim 1 to incorporate the subject matter of both claims 3 and 4, as well as the pressure range of claim 5.

Although item 5 on page 2 of the Office Action refers to the terms "high" and "low", the Examiner confirmed during the interview that he meant the terms "high" and "reduced" (since the term "low" does not appear in claim 1).

The Examiner also confirmed that the rejection in item 9 on page 3 of the Office Action should have included claim 4 (since this rejection does include claim 8 which is the same as claim 4 except for its dependency).

In arguing the patentability of proposed amended claim 1, and referring to the Examiner's comments about the JP '224 reference on page 4 of the Office Action (the Examiner indicated that both occurrences of "-0.5 to -0.8 MPa" on page 4 of the Office Action should have been "-0.05 to -0.08 MPa"), Applicants' attorney took the position during the interview that the only specific reduced pressure disclosed in the JP '224 reference is 710 mm Hg (page 5, lines 1-2 of the translation of this reference); whereas the range of 0.05 to 0.08 MPa in claim 4 of the present application corresponds to a range of 375 to 600 mm Hg. [During the interview the Examiner calculated that 710 mm Hg corresponds to 0.095 MPa.] Applicants' attorney then argued that since the value of 710 mm Hg in JP '224 is outside the range of 375 to 600 mm Hg in the present invention, proposed claim 1 was patentable over the applied prior art.

With regard to the Examiner's comments in the Office Action that the reduced pressure range of the present invention would have been attempted during the course of normal experimentation and

optimization, Applicants' attorney noted that the present factual situation is not one of optimizing a particular variable within a range for that variable as disclosed in a reference since in the present factual situation the reference (JP '224) does not disclose a range, but rather, only discloses a single specific reduced pressure value, i.e. 710 mm Hg.

Applicants' attorney also questioned whether or not the Examiner has received the Supplemental Information Disclosure Statement filed May 5, 2004.

As indicated in the Interview Summary form, the Examiner indicated that the proposed amendments appear to define over the present rejections, although further search and/or consideration may be required. The Examiner further indicated that the proposed amendments also appear to remove the rejection under the second paragraph of 35 U.S.C. §112. The Examiner further indicated that the Supplemental Information Disclosure Statement submitted May 5, 2004 will be considered.

Claim Amendments

The claims as set forth above are the same as those discussed during the interview. That is, claim 1 has been amended to incorporate claims 3 and 4, as well as the pressure range of claim 5.

As noted during the interview, the other changes in claim 1, as well as the changes in claim 2, place the claims in more conventional form according to U.S. practice.

Response to Rejections

In view of the claim amendments, the rejection of claims 1-5 and 7-13 under the second paragraph of 35 U.S.C. §112 has been rendered moot, since a numerical range has been inserted into claim 1 for each of the high temperature treatment, reduced pressure treatment and high pressure treatment.

The patentability of the present invention over the disclosures of the references relied upon by the Examiner in rejecting the claims will be apparent upon consideration of the following remarks.

The rejection of claims 1-2 under 35 U.S.C. §102(b) as being anticipated by Chen has been rendered moot in view of the claim amendments. As indicated above, claim 1 has been amended to

incorporate both claims 3 and 4 (as well as the pressure range of claim 5), neither of which is subject to this rejection.

The rejection of claims 1-3 and 7-8 under 35 U.S.C. §103(a) as being unpatentable over JP 6363358 in view of JP 4834224 is respectfully traversed. [As indicated above, the Examiner indicated during the interview that this rejection should have included claim 4, and the comments set forth below take this into account.]

The Examiner acknowledges that JP '358 does not recite using reduced pressures of -0.05 to -0.08 MPa (as corrected during the interview) and temperatures of 120-150 °C, but then cites JP '224 for a teaching of high temperature and reduced pressure (page 7, Example 5), and a high temperature of 120-150 °C. The Examiner then takes the position that it would have been obvious to one of ordinary skill in the art to incorporate the reduced pressure and higher temperatures of JP '224 into the invention of JP '358.

As noted above, under the Statement of Interview, the only specific reduced pressure disclosed in JP '224 is 710 mm Hg, at page 5, lines 1-2 of the translation of this reference. This pressure is substantially outside the scope of the reduced pressure range of -0.05 to -0.08 MPa as required in amended claim 1 set forth above, which is the only independent claim under consideration.

The negative sign (-) before each of the lower and upper limits of the pressure range means that they are under atmospheric pressure. For example, 710 mm Hg (JP '224) means -0.0067 MPa (50 mm Hg below atmospheric pressure). Also, 0.05 - 0.08 MPa corresponds to the range of 375 - 600 mm Hg, that is, this range is 385 - 160 (760-375 to 760-600) mm Hg below atmospheric pressure. Therefore, the reduced pressure -0.05 to -0.08 MPa of the present invention corresponds to 385 - 160 mm Hg.

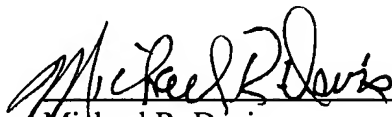
This means that the only specific pressure for the reduced pressure treatment in JP '224, i.e. 710 mm Hg, is substantially outside the reduced pressure range required by the presently claimed invention.

For these reasons, Applicants take the position that the presently claimed invention is clearly patentable over the applied references.

Therefore, in view of the foregoing amendments and remarks, it is submitted that each of the grounds of rejection set forth by the Examiner has been overcome, and that the application is in condition for allowance. Such allowance is solicited.

Respectfully submitted,

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